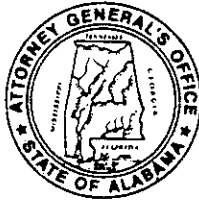


83-00017

# OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

OCT 14 1982

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64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Honorable Morgan Reynolds  
Secretary, Board of Directors  
Chilton County Hospital  
P. O. Drawer 70  
Clanton, AL 35045

County Hospital Boards - Nursing  
Homes - Funds - Hospitals

County hospital board funds cannot be expended or allotted to any institution or organization over which the hospital board does not have direct control or supervision.

Dear Mr. Reynolds:

This office is in receipt of your request for an opinion which poses the following question:

Would the Board of Directors of the Chilton County Hospital and Nursing Home be authorized to make a contribution of Board money to partially finance the operation of a health care center or clinic in Chilton County, but not in conjunction with the operation of the Chilton County Hospital and Nursing Home?

It is the opinion of this office that your question should be answered in the negative. The Chilton County Hospital and Nursing Home is incorporated under the provisions of §§22-21-70, et seq., Code of Alabama 1975.

Honorable Morgan Reynolds  
Page Two

This office has previously addressed this question in an Opinion to Honorable Dean H. Byrd, Sr., Quarterly Reports of the Attorney General, Volume 136 at page 23. In that opinion, the hospital in question, which was organized under the same act as the Chilton County Hospital, was determined to be unauthorized to expend funds to finance the nursing program at George C. Wallace Junior College. The pertinent portion of that opinion states:

The law does not contemplate, nor does it provide, that the funds of the hospital board can be expended or allotted to any institution or organization over which the hospital board has no direct control or supervision.

A copy of this opinion is enclosed. I trust this opinion answers your inquiry. If we may be of further assistance, please call us.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



ALGERT S. AGRICOLA, JR.  
Assistant Attorney General

CAG/ASAJr/mr

Enc.

July 30, 1969

Honorable Dean H. Byrd, Sr.  
Administrator  
Southeast Alabama General Hospital  
Post Office Box 2007  
Dothan, Alabama 36301

Hospital—Nurses—Schools—Colleges and Universities.

1. The Southeast Alabama General Hospital may not under the provisions of applicable statutes make expenditures or contributions to the George C. Wallace Junior College for the purpose of financially assisting in the joint conduct of a formal program of associate degree nursing in order to provide approval training for required professional personnel.

2. The Southeast Alabama General Hospital may not make expenditures for services, material and/or supplies essential to the joint conducting of a school of nursing by its hospital and the George C. Wallace Junior College.

Opinion by Assistant Attorney General Hart.

Dear Sir:

Your request for an opinion of July 17, 1969 is as follows:

"The Houston County Hospital Board incorporated under provisions of Act No. 46 of the Legislature of Alabama (approved June 2, 1949), owns and operates this institution under provisions and subsequent amendments of Act No. 46.

"Provisions of the Act, as recorded in Title 22, Section 204, apparently give clear authorization for us to conduct a nurses' training school. Copies of portions of Title 22, Section 204, to which we refer, are attached hereto as reference. We began preliminary investigational work to determine the practical and economic feasibility of establishing a three year diploma school of nursing several years ago and were immediately convinced that the proposed school was far beyond our financial resources.

"The shortage of trained nurses is an apparent and undisputed fact in most if not every community in our State. Our institution, as well as those in the surrounding area, faces serious operational problems unless an approved program of nurse training is instituted as quickly as possible.

"In recent years our State has, through the State Board of Nursing begun accepting candidates for examination and registry who are graduates of approved two-year Associate Degree training programs which are most frequently conducted through

junior colleges. We have urged our own George C. Wallace Junior College officials to implement such a program with our collaboration and every possible assistance. Junior College officials have responded to our request and are attempting to establish a program in September of this year. It is intended that this institution provide its facilities as the clinical affiliating agency in conducting the total program of training. It is also our desire to make expenditure of our funds to assist in defraying costs involved in conducting the school of nursing even though the school is being conducted under administration of another State agency, the George C. Wallace Junior College.

"(1) May we the Southeast Alabama General Hospital, under the provisions of applicable statutes, make expenditures to the George C. Wallace Junior College for the purpose of financially assisting in the joint conduct of a formal program of Associate Degree Nursing in order to provide approved training for required professional personnel?"

"(2) May we, the Southeast Alabama General Hospital, make expenditures for services, materials and/or supplies essential to the joint conducting of a school of nursing by this hospital and the George C. Wallace Junior College?"

"We respectfully request your opinion on our request at your earliest convenience."

It is my opinion that both of your inquiries should be answered in the negative. You may not pay from the funds of the Southeast Alabama General Hospital to the George C. Wallace Junior College to assist in the joint conduct of a formal program of associate degree nursing.

It appears that the Southeast Alabama General Hospital's Board of Directors was incorporated under the provisions of Act No. 46, General and Local Acts of Alabama 1949, page 68.

This hospital board is a part of a statewide plan to protect the public health and to provide hospital treatment for those who have heretofore possibly not enjoyed the benefits thereof. Quarterly Report of the Attorney General, Volume 78, page 73.

This office has ruled that the purpose of Act No. 46, supra, is to provide for an independent agency of the county which will supervise the operation of hospitals and other health facilities of the county. Quarterly Report of the Attorney General, Volume 66, page 16.

The term "hospital" is defined by the Act to include the plural as well as the singular, and means public hospitals of all types, public clinics, public health centers and related public health facilities, such as laboratories, out-patient departments, nurses' homes and nurses' training facilities, and central service facilities operated in connection with public hospitals.

JULY,

The Act provide

"It is the intent of the law to authorize the organization owning, and operating the facilities in organized . . .

[Emphasis

The necessary funds to maintain and operate

Section 7 of said Act to construct a new hospital facilities, it becomes the law does not require the hospital board organization over with supervision.

Honorable W. W. I

Alabama Institute  
Talladega,  
Teachers—

Teachers employed  
are not covered

Opinion by

Dear Sir:

Your request of  
July 24, 1969, is as

"I would like to know if the law employed by the organization whether or not the Alabama Teachers' Association of the State of Alabama is a Board of State and operation."

The Act provides:

"It is the intention of the legislature by the passage of this act to authorize in each of the several counties of the state the organization of a public corporation for the purpose of acquiring, owning, and operating public hospitals and other public health facilities in the county in which such corporation shall be organized . . . ."

[Emphasis supplied.]

The necessary power to acquire, construct, equip, enlarge, improve, maintain and operate the hospital is given by Section 7 of said Act.

Section 7 of said Act, supra, gives the hospital board the authority to construct a nurses' training facility. Upon construction of these facilities, it becomes its further duty to operate and maintain the same. The law does not contemplate, nor does it provide, that the funds of the hospital board can be expended or allotted to any institution or organization over which the hospital board has not direct control or supervision.

Yours very truly,

MacDONALD GALLION  
Attorney General

August 6, 1969

Honorable W. W. Elliott, President

Alabama Institute for Deaf and Blind  
Talladega, Alabama 35160  
Teachers—Alabama Institute for Deaf and Blind.

Teachers employed by the Alabama Institute for Deaf and Blind are not covered by the Alabama Teachers Tenure Law.

Opinion by Assistant Attorney General Madison.

Dear Sir:

Your request for an official opinion of this office, bearing date of July 24, 1969, is as follows:

"I would like an opinion from you regarding teachers who are employed by the Alabama Institute for Deaf and Blind as to whether or not they are covered under the provisions of the Alabama Teachers Tenure Law as provided in the statutes of the State of Alabama. The Alabama Institute is governed by a Board of Trustees from the congressional districts of the State and has no other regulatory body responsible for its operation.